

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:20 CR 262
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
CHRISTIAN FERGUSON,)	
)	
Defendant)	<u>ORDER</u>

Currently pending before the court in the above-captioned case is Defendant Christian Ferguson’s (“Ferguson”) Motion to Amend Pretrial Detention (“Motion”). (ECF No. 21.) For the following reasons, the court denies the Motion

I. BACKGROUND

Ferguson was arrested on May 8, 2020, and subsequently charged with two counts of attempted kidnapping, in violation of 18 U.S.C. §§ 1201(a)(2), (a)(5), and (d). Although Ferguson initially waived a detention hearing, he subsequently filed a motion on July 16, 2020, to reopen the detention proceedings due to his concerns regarding COVID-19. (ECF No. 13.) The court agreed that it was appropriate to reevaluate detention in light of the pandemic but ultimately denied Ferguson’s request for release. The court weighed the 18 U.S.C. § 3142(g) factors, as required, and concluded that no conditions of release would reasonably assure the safety of the community or Ferguson’s appearance at future proceedings. (Order, ECF No. 15.) The court further found that there were no “compelling reasons” for release under 18 U.S.C. § 3142(i). (*Id.*) On March 22, 2021, Ferguson filed

this Motion (ECF No. 21) asking the court to again reconsider the issue of pretrial detention. The United States filed a Response in Opposition (ECF No. 22) on March 25, 2021.

II. LAW AND ANALYSIS

A court can reopen a detention hearing “at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” 18 U.S.C. § 3142(f)(2). Here, Ferguson identifies no newly discovered information or change in circumstances that warrants reopening the detention proceedings. He equivocally suggests that “[t]he state case pending in Indiana has apparently been dismissed.” (Mot. at PageID #130, ECF No. 21.) But the Government maintains that the Indiana case remains pending, and Ferguson’s Motion provides no verification for his claim.¹ (See Resp. at PageID #135–36, ECF No. 22.) In short, there is no basis for reopening the detention proceedings at this time.

III. CONCLUSION

For the foregoing reasons, the court denies Ferguson’s Motion.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 26, 2021

¹ Moreover, even if the Indiana charges were dismissed, it is not necessarily the case that Ferguson would be entitled to release given the serious nature of the federal charges against him in this case. But because this issue is not presently before the court, the court expresses no opinion on it.